



## Select Board

Town Of Hinesburg  
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### Meeting Minutes - June 9, 2016

*- Draft -*

**Attending the Meeting:** Mike Bissonette, Aaron Kimball, Andrea Morgante, Tom Ayer joined the meeting at 8:00 p.m., Trevor Lashua, Renae Marshall, and attached list.

Meeting called to order at 7:00 p.m.

#### Public Comment

Merrily Lovell said she had a letter to read during comments on VT Gas and Geprags Park from the Conservation Commission.

There were no changes to the published agenda.

#### Consider Appointing Candidates for Two Planning Commission Openings

Barbara and John were candidates interviewed and considered during a prior appointment period. Both have expressed continued interest in being appointed to the Planning Commission. A pair of seats is open – one term expires on January 1, 2017 and the other on January 1, 2020.

Andrea moved the Board Consider a motion to appoint Barb Forauer to a term on the Planning Commission expiring January 1, 2017. Second by Aaron.

Aaron asked Barb if she had previously served on a Town committee. Barb said she was on the Mechanicsville sidewalk committee. Aaron noted the Select Board is considering a training regarding open meeting law with committee and board members.

Andrea added that VLCT provides trainings and the need to be sure there are funds in the budget for members to take those trainings, they a valuable to help one stay informed and to meet other volunteers from other towns.

Motion voted and approved with 3 yes votes.

Andrea moved the Board Consider a motion to appoint John Kiedaisch to a term on the Planning Commission expiring January 1, 2020. Second by Aaron and approved with 3 yes votes.

### **Discuss Revolving Loan Fund (RLF) with the Economic Development Committee**

Melissa Levy, Chair of the committee said the Town Attorney reviewed the plan and they made suggested changes. Legal review of closing documents still needs to be done.

At the SB 6/23 meeting they will make appointments to the committee and agreed it will be a 7-member committee.

### **Discuss Meadow Mist/Alan Norris Escrow Agreement**

Alan Norris reviewed the amount he proposes to put in escrow (36.8k) for his project and the reasons. Andrea suggested if no grant is awarded to do the sidewalk it will not happen with just the 30,000. Alan will be on the agenda for 6/23 for further discussion on this item.

### **Consider Adopting Local Emergency Operations Plan**

A copy of the latest plan was reviewed with Fire Chief, Al Barber.

Aaron moved the Board consider a motion to adopt the local emergency operations plan. Second by Andrea and approved with 3 yes votes.

Andrea moved the Board consider a vote to reaffirm the Town's adoptions of the National Incident Management System. Second by Aaron and approved with 3 yes votes.

### **Consider Approving an Outside Consumption Permit for Hinesburgh Public House (July 4<sup>th</sup> event)**

The Hinesburgh Public House would like to serve alcohol in its parking lot from Noon to 4 p.m. on July 4<sup>th</sup>. The Board will be acting as the local liquor control commissioners for this item.

Aaron moved the Board consider a motion to approve an outside consumption application for the Hinesburg Public House to serve alcohol in an area not to exceed 500 square feet in the parking lot from Noon to 4 p.m. on July 4, 2016. Second by Andrea and approved with 3 yes votes.

## **FY16 Budget Status Report**

Trevor reviewed with the Board spending and revenue to date.

## **Discuss Proposed Pipeline Crossing of Geprags Park/Update from Geprags/VT Gas Subcommittee**

The documents included in the packet are representative of the subcommittee's continued work. The subcommittee met with the Town Attorney on Friday morning, a meeting attended by both Vermont Gas and a pair of the seven intervenors recently granted formal status by the Public Service Board's hearing officer.

The hearing officer's decision overturning his prior denial of intervenor status prompted the changes in scheduling, as the seven intervenors are now formal parties to the eminent domain proceeding.

The drafts are available on the website; the idea is that they will be opened up for public comment and response for the seven days following the June 9<sup>th</sup> meeting. The group also discussed a potential timeline, should the Board decide to proceed with its efforts to produce an improved easement deed and agreement.

The timeline would look similar to the following:

- June 9<sup>th</sup> – Discussion on the process, timeline, and draft easement deed and agreement. The community comment period is set at seven days.
- June 10<sup>th</sup> – Community comment period begins.
- June 17<sup>th</sup> – Community comment period has “ended” (submittals would still be accepted in most cases).
- June 23<sup>rd</sup> – The Board discusses feedback and review, asks for additional changes, clarifications, etc. and/or provides the documents for outside review (Steve Stitzel of Stitzel Page and Fletcher) in addition to the Town Attorney.
- July 7<sup>th</sup> – The Board reviews and discusses the documents again, with a focus on final “tweaking” if necessary.
- July 21<sup>st</sup> – The Board votes whether or not accept the easement deed and stipulated agreement as presented.

The timeline works backward from the presumption that the Public Service Board sets the date for the technical hearing sometime during the first week or two of August. Vermont Gas has asked for August 1<sup>st</sup>; as of this writing we are unaware of a specific date requested by the seven intervenors.

The Public Service Board's decision, whatever it may be, is appealable to the Vermont Supreme Court. The right to appeal is extended to formal parties, or which there are three (the Town, the seven intervenors, and Vermont Gas). What that process would look like or how much time it would take is unknown.

Andrea said on page 3 of the stipulation agreement / compensation. Taxes are not compensation nor is the distribution line. In the easement section D page 1 – regarding the municipal water system – there is none.

She said her concerns about the wetlands is not answered – was an actual evaluation of the site done? Trevor read the wetland impact report from DEC. Andrea replied it is not acceptable to be done from a map.

Merrily Lovell read a letter from the Conservation Commission regarding the pipeline progress (copy attached).

Bill Marks again stated the need for outside expert legal advice to draft an agreement with Hinesburg's interests addressed. He said the Conservation Commission is not meeting with VT Gas.

Tom asked if that means the CC is no longer willing to work with the sub-committee.

Bill replied the CC feels there is legal representation for VT Gas and not adequate for Hinesburg.

Merrily said the letter she read states the willingness of the CC to continue.

Mike B asked at what meeting did the CC vote not to talk to VT Gas. Merrily said they voted on writing the statement in the letter.

Bill said they agreed it is premature to talk to VT Gas.

Nancy Baker said she would like to see an expert come up with an agreement, she asked why the Town would allow VT Gas to sit in on the meetings.

Aaron said in regards to the wetlands and CC members have been advocating for the park, that VT Gas has not been leading those conversations at meetings.

Peter Erb said he feels the wetland delineation done is flawed, the CC's suggestions on that would avoid a lot of the issues with the restoration plan.

Melanie Peysor asked about the deed of easement – she wanted to know if VELCO owns their easement. It should be called an easement for right of way not corridor to prevent further assumptions of co-location for utilities. She wanted to know if the vegetation plan is incorporated into the document. Size of pipeline / can request maximum size in the easement. Trevor noted the document states no larger than 12 inches for size of the pipeline in the easement.

She wanted to know what documents were used to inform the committee members of the standings.

Stephanie Murray said she feels page 10 item 22 needs clarity.

Tony St Hillaire asked if anyone has checked other properties that VT Gas has restored after installation of the pipeline. He stated those areas look very good if not better than they did before.

Mike B asked for comments from the interveners in regards to what they are working on in common with the Town.

Bill said they all have the best interest of the Town and park in common but have different ideas on how to get there.

Nancy Baker said they have in common trying to protect the park, she feels we need expert work on the wetlands.

Rachel Smolker said she does not want the pipeline at all – she sees commonality in that no one wants to be in this position.

Chuck Reiss said the process needs transparency – he feels there is misinformation of benefits to the trailer parks.

Linda Gage said she does not want to see the pipeline go through the park – wants to see transparency. The park community and people are important to her.

Bob Thiefels asked if there is any readable draft agreement regarding the distribution line. Trevor noted where he can find the agreement.

Mike B noted that section 23 of the draft stipulation agreement regarding reasonable assistance does not have language that is acceptable to the Town Agent or the sub-committee at this time.

Aaron said given this is public land one should be able to be on public land and express your opinion. Tom agrees with Aaron but asked for how long a period of time.

Andrea said we need to also understand the precedence this would set for dealing with public land, if people are being there safely.

Peter Erb asked why there is the need to write something new, we should follow the statutes in place. Safety in the work zone – mark safe area off.

Phil Pouech (following the meeting electronically) added he is not favor of adding any language about protest as this is public property.

Frank Koss, police chief, said regardless of any contract the police enforce if there is a law being broken.

Nancy Baker asked about the mention of above ground apparatus. Mike B said VT Gas is providing pictures and information to the sub-committee.

Phil noted he is also not in favor of the pipeline but we need to work out the best deal for the Town.

### **Town Administrator's Report**

- a. **Water Supply and Treatment Facility Project** – The finishing touches (telemetry, fine-tuning and testing of equipment, etc.) are in the works. The Town needs to receive a permit to operate from the State – an on-site inspection of the facility, at which systems performance is verified, is slated for the week of June 20<sup>th</sup>. Once the permit to operate is finalized, the Town will supply treated water from the new wells to customers.
- b. **Interim Bylaws** – The public hearing is next Thursday (June 16<sup>th</sup>). A copy of the proposed interim bylaws is on the website.
- c. **Capacity and FY17 Water/Wastewater Budgets** – Both of these need to be completed in June. Time will be allotted on June 16<sup>th</sup> to review drafts, with action slated for June 23<sup>rd</sup>.
- d. **Water and Wastewater Service Area Map** – Included in the packet, as envisioned in the revised water and wastewater ordinances.
- e. **Old Police Station Sale** – The Act 250 application is in, and barring an appeal, the permit will be issued prior to the end of June. The State water/wastewater supply permit is on a similar trajectory, though it may be issued sooner. The state stormwater permit only applies to the Town, and will need to be acquired prior to the commencement of road construction. Notice of the sale (as required by 24 V.S.A. § 1061) has been posted and published. As seen above, water allocation is dependent upon receiving a permit to operate from the State.
- f. **Beebe Lane and the Lake Iroquois Beach** – The Lake Iroquois Recreation District has approached the Town about maintaining Beebe Lane and the beach this summer. The initial answer is, due to the fact the Town was not asked during the applicable period, the task is not within its ability to add.
- g. **Village North Sidewalk** – Discussions are ongoing related to wetlands mitigation.

*“Two-and-Two”*

<i>06/16/16</i>	<i>06/23/16</i>
<ul style="list-style-type: none"><li>▪ Public hearing on Interim Bylaws</li><li>▪ Draft water and wastewater capacity discussion.</li><li>▪ Draft FY17 water/wastewater budget discussion.</li></ul>	<ul style="list-style-type: none"><li>▪ Discussion on community and Board review of draft easement deed and agreement (Gepregs Park/Vermont Gas).</li><li>▪ FY17 water/wastewater budget review and adoption.</li><li>▪ Water and wastewater capacity review and adoption.</li><li>▪ Presentation of Richmond Road sidewalk scoping study.</li><li>▪ Initial discussion on proposed solar siting regulations with the Planning Commission.</li><li>▪ Alan Norris/Meadow Mist Escrow and Sidewalk Grant Application.</li><li>▪ Appointments to boards/committees/commissions.</li></ul>
<i>To be determined:</i> <ul style="list-style-type: none"><li>▪ Changes to the Animal Control Ordinance.</li></ul>	

**Select Board Items**

Andrea noted Karla Munson has submitted her resignation as representative to CCTA and thanked Karla for her efforts on getting bus service to Hinesburg.

**Warrants**

Aaron moved the Board consider approving the payroll warrants as submitted by the Town Treasurer. Second by Andrea and approved with 4 yes votes.

Tom moved to adjourn at 9:50 p.m., second by Aaron and approved with 4 yes votes.

Respectfully submitted,  
Valerie Spadaccini, secretary



# Selectboard Meeting

## Sign-in Sheet

### June 9<sup>th</sup>, 2016

1. Barbara Lorcuss

2. Mindy Lovell

3. John Kiedrisky

4. [Signature]

5. Rachel Smolke

6. Lawrence Shelton

7. Maggie Gordon

8. Melissa Levy

9. [Signature]

10. AL BARBER

11. TIM WHITE

12. FRANK KASS

13. ALAN NORRIS

14. Honey J Baker

15. Stephanie Murray

16. LINDA COABE

17. Noranie Pysan

18. Bob Thicketts

19. Renee Marshall

20. [Signature]

21. Gary Fournier

22. Terence Cuneo

23. Kari Cuneo

24. \_\_\_\_\_

25. \_\_\_\_\_

26. \_\_\_\_\_



Bob cell 802 734 5630

To: Hinesburg Select Board

Date: 6/8/2016

From: Hinesburg Conservation Commission

Subject: Pipeline Subcommittee Progress

*As individual citizens, the Conservation Commission members have opinions on fossil fuel usage, fracked gas, and pipelines. As a Town Commission the focus has been and continues to be on ensuring a robust process; full consideration of pipeline routes through Geprags and all the impacts through all phases of the pipeline's life, make certain there is proper restoration of impacted natural communities, and accounting for the overall environmental impact on Hinesburg.*

After several subcommittee meetings, continued information gathering and sharing, and the acknowledged ongoing complexity and fluidity of the overall process, the Conservation Commission states the following for the record and for consideration by the SelectBoard and the Town. Some of these are not new concerns and in some instances, solutions have been suggested for consideration. The Conservation Commission remains committed to working with the SelectBoard and others through representation on the Vermont Gas-Geprags Park subcommittee. If a new deed of easement agreement is an outcome of the subcommittee and process, the Conservation Commission strongly recommends that this agreement is explicit, detailed, and adequately provides for compensation, restoration, and protection to the Town.

### **Process Concerns**

1. There is an over reliance on statements and information provided by VGS. VGS has been present at the majority of subcommittee meetings and involved in discussions during and outside of meetings. There is evidence that indicates the Town Administrator has engaged in communication

with VGS much more readily than with the Conservation Commission and full SelectBoard. This has created an air of distrust and continues to undermine the Town's negotiating position with VGS.

2. Lack of external expertise, technical and legal. All available guidance pertaining to negotiation of pipeline agreements strongly recommends securing appropriate legal and technical counsel. This advice continues to be ignored.
3. Subcommittee:
  - a. The process for subcommittee agenda setting and minute taking, and timeframes for posting these, is unclear. Minutes are not reviewed and approved at subsequent meetings. Communication protocols and roles of subcommittee members are also not well-defined. Compliance with open meeting law was a stated tenet of the subcommittee formation. To date, open meeting principles have largely been ignored. **Proposed Solution:** As of the next subcommittee meeting, clearly articulate in writing the goal of the subcommittee, the objectives in place to obtain that goal, and the final product/outcomes of the subcommittee. This should be posted to the Town website and shared in any other relevant ways. Also, specifically identify the process for agenda setting and minute taking, identifying who is responsible for taking minutes and any review and approval process for the minutes.
  - b. Prior to the subcommittee meeting of June 3, version control for the draft deed of easement was nonexistent. This is highly unprofessional and has proven extremely unproductive. It is not clear once comments and track changes are provided, who this is sent to and what happens next. It is inefficient and confusing, opens the door to error and disagreement, and results in greater

level of effort and wasted time. The Conservation Commission can provide an appropriate protocol for version control if VGS is not capable of doing so.

**Wetlands Analysis and Route Selection Concerns**

The Conservation Commission takes exception to the wetlands analysis that has been conducted to date that resulted in the subsequent permitting and Geprags pipeline route approval. Specifically:

*Vt State Wetlands Inventory Map on the ground*

- Evaluation of routes is based on VSWI, not delineated wetlands;
- Western route is directed through wetlands that are not mapped;
- Recent wetlands delineation is missing both mapped and unmapped wetlands; *Flags in Geprags 2 wks ago by vt geo*
- Western route includes steep slopes and highly erodible soils;
- Wetland<sup>s</sup> in western route provide<sup>it</sup> higher function and values than wetlands east of stream;
- Site access for construction and ongoing maintenance are more problematic in western route.

To be confident that the currently approved western route is the best option for limiting impacts to ecosystem functions and values, we would need to see the centerline easement flagged and the wetlands delineated. The lowest impact route would involve adjacent land owners; however, we believe there are routes confined to the park that result in significantly less impacts to wetland functions and values, water quality, soil, habitat, and recreation. An alternate route can avoid steep slopes, intact terrestrial habitat, improve site access, and likely limit the need for more extensive restoratio

**Restoration Concerns**

*② Vhb document - Road Vegetation + Management Plan  
Meghan Loul, Env. Sci.*

There is still no serious commitment to any level of restoration above and beyond the VGS Vegetation Management Plan, which is not a restoration plan, nor is it site specific

*① on VGS site*

*May 18 Vhb plan given specific  
Geprags is a management plan.  
Has details of p. 50. mention the 20' easement l.a. includes*

*agreement  
contractual  
VGS  
form*

*3*

to Geprags. The proposed restoration plan does not minimize impacts to wetland function and values, to water quality, soils, and general habitat considerations. The plan focuses almost exclusively upon golden winged warbler habitat. While this is an important consideration for Geprags, it is not the only one and such a singular focus ignores other considerations. Furthermore, the pipeline is not the best or only means for developing golden winged warbler habitat, i.e., maintenance of existing and creation of additional golden winged warbler habitat can happen without a pipeline.

### **Questions**

We request that the SelectBoard discusses and answers these questions prior to the next subcommittee meeting. Responses to these questions will provide greater transparency on where the SelectBoard stands at this moment, and help guide the subcommittee in their efforts to address all considerations and craft a solid agreement.

1. What does the SelectBoard, individually as members and collectively as a group if such consensus presently exists, believe makes a good agreement between the Town and VGS? Specifically, what should the agreement cover? This need not be exhaustive, but greater specificity here is appreciated.
2. What does the SelectBoard see as the best interests of the Town that need to be represented, balanced, and addressed to the greatest extent possible in an agreement between the Town and VGS?
3. Does the select board anticipate any component of an agreement with VGS to go before a town-wide vote?
4. Please explain how the citizen intervenors' efforts impact the process for the town. Does the SelectBoard think that the Town should be working with the intervenors to define common goals?